

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A., etc.,

Plaintiff, : Case No. 3:07-cv-449

-vs- : Magistrate Judge Michael R. Merz

LaSALLE BANK NATIONAL  
ASSOCIATION,

Defendant.

---

---

**DECISION AND ORDER DENYING PLAINTIFF'S MOTION TO PRECLUDE EXPERT  
OPINION BY DEFENDANT'S EXPERT**

---

---

This case is before the Court on Plaintiff's Motion in Limine to Preclude Defendant's Expert Witness from Offering Opinions on Representations 6 and 13 (Doc. No. 116) which Defendant opposes (Doc. No. 129); Plaintiff has filed a reply in response.

The Court believes this Motion requires no extensive analysis. Both parties' interpretations of this Court's General Order No. 1 are colorable. Given that the Court expressly provided for rebuttal expert reports in the Scheduling Order and that Mr. Abshier's opinions on Representation and Warranty 6 and 13 were fully disclosed to Plaintiff before Abshier was deposed, the Court finds no prejudice from allowing LaSalle to rely on its interpretation.

The Motion in Limine is denied.

July 7, 2009.

s/ **Michael R. Merz**

United States Magistrate Judge